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12 WILSON LEE
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15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE EASTERN DISTRICT OF CALIFORNIA
17

18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 vs.
21 WILSON LEE,
22 Defendant.

23 Case No. 6:20-po-00620-HBK

24 **JOINT MOTION TO RESCIND FEES FOR
25 NON-APPEARANCE**

26 The parties, through their respective counsel, Sean Anderson, Acting Legal Officer,
27 counsel for the government, and Benjamin A. Gerson, Assistant Federal Defender, counsel for
the defendant, WILSON LEE, hereby stipulate and jointly move this Court to rescind fees in the
amount of \$100.00 assessed against Mr. Lee for non-appearance on January 12, 2021.

28 Mr. Lee was issued a bailable citation for a permit violation. After consultation with the
undersigned defense attorney Mr. Lee elected to appear before the U.S. District Court in
Yosemite. His original appearance date was scheduled for November 17, 2020. However, many
cases scheduled for that day were administratively rescheduled. Mr. Lee's case was ultimately
rescheduled to January 12, 2021, and when he did not appear a fee of \$100.00 was assessed
pursuant to F.R.Cr.P. 58. The rescheduled court date was not effectively transmitted to Mr. Lee.
See Exhibit A (attorney communication, submitted under separate cover). The undersigned
defense attorney accepts responsibility for the error. On February 19, 2021, Mr. Lee paid the

1 collateral forfeiture amount of \$280.00 to resolve the citation.

2 Mr. Lee now moves the court to dismiss the \$100.00 fee assessed as a result of his non-
3 appearance on January 12, 2021. Mr. Lee failed to appear through no fault of his own. The
4 Government joins Mr. Lee's motion.

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6 Respectfully submitted,

7
8 McGREGOR SCOTT
9 United States Attorney

10 Dated: February 19, 2021

/s/ Sean Anderson

Sean Anderson
Acting Legal Officer
National Park Service
Yosemite National Park

11 Dated: February 19, 2021

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13 HEATHER E. WILLIAMS
14 Federal Defender

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16 /s/ Benjamin A. Gerson
17 BENJAMIN A. GERSON
18 Assistant Federal Defender
19 Attorney for Defendant
20 WILSON LEE

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22 O R D E R

23 Upon review and finding good cause, the Court GRANTS the parties' Joint Motion to
24 Rescind Fees for Non-Appearance (Doc. No. 8) and ORDERS as follows:

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26 1. The \$100.00 fee assessed in case no. 6:20-po-00620-HBK is rescinded.
27
28 2. The Clerk shall recall the warrants (Docs. Nos. 6, 7) in this case.

IT IS SO ORDERED.

Dated: February 21, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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